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SUBJECT: UN THIRD COMMITTEE TAKES ACTION ON CULTURAL DIVERSITY,  
DURBAN REVIEW CONFERENCE AND ELECTORAL ASSISTANCE, AMONG OTHERS

¶1. SUMMARY: On November 23 and 24 the Third Committee of the UN General Assembly took action on the remaining 11 resolutions on the Committee's agenda, adopting 7 by consensus and 4 by vote. In an unusual usage of Third Committee rules of procedure, the Durban Review Conference resolution had to be re-voted due to an alleged technical malfunction by The Russian Federation. Because of concern over adding a sexual orientation dimension to the definition of gender, which many assumed referred only to women, the Africa Group introduced two amendments to the resolution on Cultural Diversity, of which one was adopted and one rejected. END SUMMARY.

#### ELECTIONS

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¶2. Resolution L.26 (strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization) was adopted by consensus for the first time since the U.S. began running this resolution in 1992. The number of cosponsors has grown to 85, from the initial support of 44 cosponsors when it was first introduced 17 years ago. This year, the U.S. delegation held open informal consultations, taking on board a number of suggestions from Venezuela and others. The Russian and Chinese delegation, however, continued to object to references made in OP8 to the OSCE's principles for election observation, a reference which was of key importance to the EU. The Russian delegation called a vote on part of the paragraph. An overwhelming majority of Member States supported the resolution as presented by the U.S., and the Russian proposal was defeated. Procedurally, Egypt requested that the Chair review and explain the rules of procedures that allowed for adoption without a vote even though a paragraph had been voted. The Chair explained that under Rule 129, the resolution could be adopted without a vote. In statements after action Iran, Libya and Venezuela said that while democracies shared common features, there was no single model of democracy. Egypt noted that the Principles of Election Observation were not endorsed by the African Union. The Cuban delegate, acknowledging changes made by the main sponsor, explained that the Declaration of Principles for International Election Observation and the Code of Conduct for International Observers was not negotiated through an intergovernmental process and had not been adopted by States.

#### HRC REPORT

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¶3. Action on the Report of the Human Rights Council (HRC) was split between the GA Plenary - where aspects of the HRC dealing with the Goldstone Commission's investigations into the Gaza conflict were debated - and the Third Committee, which took up the remainder of the HRC's work. The deletion of the controversial Goldstone issue from the Third Committee's portion of the Report, and the avoidance of any budgetary implications in the report, allowed the Third Committee to adopt the Report by consensus for the first time. Egypt, the DPRK, Israel, and Sweden, on behalf of the European Union, delivered EOPs on A/C.3/64/L.61 (report of the Human Rights Council). The delegate from Egypt expressed concern with the delay

of the report of the twelfth session, since it contained issues important to Egypt, such as freedom of opinion and expression, on which Egypt had worked jointly with the delegation of the U.S. The DPRK reaffirmed its opposition over the country-specific resolutions and said they were undertaken in a spirit of selectivity and double standards. The delegate from Israel voiced concern over the work and methods of the Human Rights Council and said that it continued to address certain situations in a biased and prejudiced manner, particularly the situation in the Middle East. The delegate from Sweden, speaking on behalf of the EU, said that the report of the HRC had been handled in an unfortunate manner and the GA plenary would be a more appropriate venue for the review of the report than the Third Committee.

Durban  
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¶4. An unusual vote re-take of the vote on draft resolution L.55 (adoption of the outcome document of the Durban Review Conference) took place after the Russian delegate, on a point of order, announced there was a technical error and its "yes vote" had been incorrectly reflected as an abstention. The first vote was 161-6(US)-12. The Committee then voted again with a slight difference: 163-5(US)-9. The U.S. delegation called a point of order and requested that the Chair justify its position on the rules of procedures allowing the re-vote (Note: Mission believes the Russian delegate inadvertently leaned on the abstention button after casting his yes vote, thereby changing his vote.) The Chair ruled that the machine had malfunctioned and a repeat of the vote was justified. The Marshall Islands voted "no" the first time and did not vote the second time.

¶5. Israel called for a recorded vote on resolution L.54 (Durban

Declaration and Program of Action) 122-13(US)-45 with the U.S. Norway, and Sweden giving EOVs before the vote. The U.S. explained it could not support the resolution because of its infringement on freedom of speech. Norway, speaking on behalf of Iceland, was disappointed in the negotiations and would abstain. The delegate from Sweden deplored how the negotiations were handled since the last meeting was canceled.

COUNTERING TERRORISM  
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¶6. Mexico, the main sponsor of resolution L.43 (protection of human rights and fundamental freedoms while countering terrorism), called a vote after Zambia, on behalf of the Africa Group, introduced an amendment to operative paragraph 12, which takes note of the report of the SG and Special Rapporteur on Countering Terrorism, and another amendment, to operative paragraph 19 which requests that the Special Rapporteur continue to make recommendations in the context of his mandate. The African Group felt the Special Rapporteur's report reflected an attempt to introduce notions of sexual orientation and gender identity, which they believe have no foundation in international human rights law. The Group was concerned by the Rapporteur's interpretation of his mandate to "integrate a gender perspective in his mandate." Most delegations assumed a gender perspective only referred to women and were blind-sided by the broader definition taken by the Rapporteur. The Africa Group expressed alarm that his report had redefined notions around "gender", thereby "re-classifying" women and men. The Africa Group was concerned with redefining a gender perspective to include gays, lesbians and transgender and said that the Special Rapporteur had injected his personal and political opinions into the document. Pakistan, Venezuela, Syria, and St. Lucia made statements in support of the amendments. Both amendments were adopted; 77-73(US)-23 and 81-73(US)-20, respectively, and the U.K. then withdrew as a cosponsor. In light of the changes, the resolution was then voted on as a whole and adopted by 181(US)-0-1 (St. Kitts & Nevis was the one abstention).

CULTURAL DIVERSITY  
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¶7. Cuba introduced resolution L.49 (human rights and cultural diversity) and said in exceptionally harsh terms that a "small group of States" (meaning the EU and its allies) had boycotted the

negotiation process, in an attempt to impose their view on others. Sweden, speaking on behalf of the EU, noted that Cuba would not accommodate an important proposal and thus called for a recorded vote. In an EOY before action, Deputy ECOSOC Representative John Sammis said that as references to avoiding the usage of cultural diversity as an excuse for human rights abuses had not been included, the U.S. could not support the text. The committee then approved it by 125-50(US)-4.

#### CONSENSUS

18. During formal meetings on November 23 and 24, the Third Committee adopted by consensus the following resolutions: A/C.3/64/L.59/Rev.1 (assistance to refugees, returnees and displaced persons in Africa); A/C.3/64/L.61 (report of the Human Rights Council); A/C.3/64/L.63 (Office of the President of the Human Rights Council); A/C.3/64/L.36/Rev.1 (elimination of all forms of intolerance and of discrimination based on religion or belief); A/C.3/64/L.20/Rev.1 (the girl child ); A/C.3/64/L.44/Rev.1 (International Year for People of African Descent).

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